IN THE HIGH COURT OF UTTARNCHAL AT NAINITAL.

Misc. Application No. 8480 of 2006
In
Writ Petition No. 1075 (S/S) of 2004

Rati Lal,
Son of Sri Khelanu Singh
Resident of Tanalka, Patti, Barkot,
District – Uttarkashi. **……Petitioner.**

Versus.

1. State of Uttaranchal through Secretary, Revenue Department, Government of Uttaranchal, Dehradun.
2. District Magistrate, Uttarkashi.
3. Sub District Magistrate, Barkot, Uttarkashi.

……...Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri N.S. Pundir, learned counsel for the petitioner and learned standing counsel for respondents.

Learned counsel for both the parties are agree to decide the writ petition at this stage.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Mandamus commanding the respondents to re-appoint the petitioner on the post of Seasonal Collection Peon in the selection establishment of District Uttarkashi properly in Tehsil – Barkot, District- Uttarkashi.

(b) issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(c) Award the costs of the petition to the petitioner.

The submission of the learned counsel for the petitioner is that petitioner was appointed as Seasonal Collection Peon on 04.07.1990 and had worked with the department till 07.12.1998 in different Tehsils of District – Uttarkashi with artificial breaks. However, after 07.12.1998 he was not provided work of Seasonal Collection Peon.

Counter affidavit has been filed by the respondents. In paragraph 12 of the counter affidavit, it is submitted by the respondents that there is no regular work for Seasonal Collection Peon, as such, case of the petitioner for regular appointment cannot be considered. In para 18 of the counter affidavit, respondents have submitted that in Tehsil - Barkot there is no post of Seasonal Collection Peon vacant and as such, petitioner cannot be appointed on the post Seasonal Collection Peon.

Petitioner has annexed order dated 09.06.2006 passed by Principal Secretary along with the present application, which says that 26 posts of regular Seasonal Collection Peon have been created and sanctioned for District – Uttarkashi. These posts have been created in the month of June, 2006.

It is not the case of the petitioner that respondents are not considering the case of the petitioner for appointment on the post of Seasonal Collection Peon.

Whenever the process started for making appointment on the newly created posts of Seasonal Collection Peon in District – Uttarkashi, it is expected from the respondents that petitioner's case shall be considered by the respondents in accordance with law.

With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

July 12, 2006
SKSharma